

2 **SSB 5407 - H COMM AMD ADOPTED 4-6-93**
3 By Committee on Environmental Affairs

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.94.650 and 1991 c 199 s 408 are each amended to
8 read as follows:

9 (1) Any person who proposes to set fires in the course of

10 (a) weed abatement,

11 (b) instruction in methods of fire fighting (~~((except forest~~
12 ~~fires))~~), except forest fire training, or

13 (c) agricultural activities(~~((~~) shall(~~((~~ prior to carrying out the
14 ~~same~~)) obtain a permit from an air pollution control authority (~~((or))~~),

15 the department of ecology, (~~((as appropriate. Each such authority and~~
16 ~~the department of ecology shall, by rule or ordinance, establish a~~
17 ~~permit system to carry out the provisions of this section except as~~
18 ~~provided in RCW 70.94.660))~~ or a local entity delegated permitting
19 authority under RCW 70.94.654. General permit criteria of state-wide

20 applicability (~~((for ruling on such permits))~~) shall be established by
21 the department, by rule, after consultation with the various air
22 pollution control authorities. Permits shall be issued under this

23 section based on seasonal operations or by individual operations, or
24 both. All permits (~~((so issued))~~) shall be conditioned to insure that

25 the public interest in air, water, and land pollution and safety to
26 life and property is fully considered. In addition to any other
27 requirements established by the department to protect air quality

28 pursuant to other laws, applicants for permits must show that the
29 setting of fires as requested is the most reasonable procedure to
30 follow in safeguarding life or property under all circumstances or is

31 otherwise reasonably necessary to successfully carry out the enterprise
32 in which the applicant is engaged, or both. All burning permits will
33 be designed to minimize air pollution insofar as practical. Nothing in

34 this section shall relieve the applicant from obtaining permits,
35 licenses, or other approvals required by any other law. An application
36 for a permit to set fires in the course of agricultural burning for

1 controlling diseases, insects, weed abatement or development of
2 physiological conditions conducive to increased crop yield, shall be
3 acted upon within seven days from the date such application is filed.
4 The department of ecology and local air authorities shall provide
5 convenient methods for issuance and oversight of agricultural burning
6 permits. The department and local air authorities shall, through
7 agreement, work with counties and cities to provide convenient methods
8 for granting permission for agricultural burning, including telephone,
9 facsimile transmission, issuance from local city or county offices, or
10 other methods.

11 (2) (~~Except as provided in RCW 70.94.780~~) Permit fees shall be
12 assessed for (~~outdoor~~) burning under this section and shall be
13 collected by the department of ecology (~~or~~), the appropriate local
14 air authority, or a local entity delegated permitting authority
15 pursuant to RCW 70.94.654 at the time the permit is issued. All fees
16 collected shall be deposited in the air pollution control account
17 created in RCW 70.94.015, except for that portion of the fee necessary
18 to cover local costs of administering a permit issued under this
19 section. Fees shall be set by rule by the permitting agency at the
20 level determined by the task force created by subsection (4) of this
21 section, but shall not exceed two dollars and fifty cents per acre to
22 be burned. After fees are established by rule, any increases in such
23 fees shall be limited to annual inflation adjustments as determined by
24 the state office of the economic and revenue forecast council.

25 (3) Conservation districts and the Washington State University
26 agricultural extension program in conjunction with the department shall
27 develop public education material for the agricultural community
28 identifying the health and environmental (~~affects [effects]~~) effects
29 of agricultural outdoor burning and providing technical assistance in
30 alternatives to agricultural outdoor burning.

31 (4) An agricultural burning practices and research task force shall
32 be established under the direction of the department. The task force
33 shall be composed of a representative from the department who shall
34 serve as chair; one representative of eastern Washington local air
35 authorities; three representatives of the agricultural community from
36 different agricultural pursuits; one representative of the department
37 of agriculture; two representatives from universities or colleges
38 knowledgeable in agricultural issues; one representative of the public
39 health or medical community; and one representative of the conservation

1 districts. The task force shall identify best management practices for
2 reducing air contaminant emissions from agricultural activities and
3 provide such information to the department and local air authorities.
4 The task force shall determine the level of fees to be assessed by the
5 permitting agency pursuant to subsection (2) of this section, based
6 upon the level necessary to cover the costs of administering and
7 enforcing the permit programs, to provide funds for research into
8 alternative methods to reduce emissions from such burning, and to the
9 extent possible be consistent with fees charged for such burning
10 permits in neighboring states. The fee level shall provide, to the
11 extent possible, for lesser fees for permittees who use best management
12 practices to minimize air contaminant emissions. The task force shall
13 identify research needs related to minimizing emissions from
14 agricultural burning and alternatives to such burning. Further, the
15 task force shall make recommendations to the department on priorities
16 for spending funds provided through this chapter for research into
17 alternative methods to reduce emissions from agricultural burning.

18 **Sec. 2.** RCW 70.94.654 and 1991 c 199 s 409 are each amended to
19 read as follows:

20 (1) Whenever the department of ecology shall find that any fire
21 protection agency, county, or conservation district which is outside
22 the jurisdictional boundaries of an activated air pollution control
23 authority is capable of effectively administering the issuance and
24 enforcement of permits for any or all of the kinds of burning
25 identified in RCW 70.94.650 and desirous of doing so, the department of
26 ecology may delegate powers necessary for the issuance or enforcement,
27 or both, of permits for any or all of the kinds of burning to the fire
28 protection agency, county, or conservation district. Such delegation
29 may be withdrawn by the department of ecology upon its finding that the
30 fire protection agency, county, or conservation district is not
31 effectively administering the permit program.

32 (2) A local air authority may delegate authority to issue and
33 enforce permits for burning under RCW 70.94.650 to any fire protection
34 agency, county, or conservation district within the jurisdictional
35 boundaries of the local air authority. A local air authority may
36 withdraw delegation if the local air authority finds that the fire
37 protection agency, county, or conservation district is not effectively
38 administering the permit program."

1 EFFECT: Allows a local entity to recover the costs of
2 administering an agricultural burning permit and allows a local air
3 authority to delegate permitting authority for agricultural burning.

--- END ---